

Page 1

VIA ECF/EMAIL

Honorable Judge Stewart D. Aaron
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Kumaran et al vs. Vision Financial Markets et al* 1:20-Cv-03871-GHW-SDA

Dear Hon Judge Aaron;

Plaintiff writes related to Ms. Chou's letter on Friday June 25, 2021 (ECF79) which is appears to be an opposition to a motion filed by Plaintiff on Friday June 11, 2021 ECF(76). However Plaintiff is confused as that motion was already ruled. There was an order on Monday June 14, 2021 (ECF77, ECF78) which seemed to rule on the motion. I also thank the Court for the quick clarification and turnaround on ECF77 and ECF78.

It is therefore unclear to Plaintiff if this motion is closed or still being briefed for further ruling by the Court. Since Ms. Chou filed an opposition, pursuant to Local Rule 6.1 Plaintiff is entitled to reply to any adverse arguments so that its rights are preserved. Ms. Chou's response was filed 11 days after the motion was already ruled upon. Accordingly, if there is still motion practice, Plaintiff is respectfully seeking a scheduling order so as not to continue to conflict with pending action in related case. It is therefore unclear on the status of the motion.

Since Ms. Chou's opposition again appears to impact or tries to prejudice Plaintiffs rights (unless responded to) Plaintiff is respectfully requesting a briefing schedule form the Court on this motion. If ECF78 was not a final ruling and if further decisions are forthcoming, or further briefing is before the District Judge, Plaintiff respectfully seeks confirmation as such as well as the appropriate Reply schedule – especially in light of the other motions pending in related cases.

Plaintiff also seeks clarification if the motion is still pending for review before the District Judge. If so, and in light of this filing (ECF79), Judge Woods has not issued a scheduling order, and it is unclear to Plaintiff what the status is on the motion. Plaintiff does not wish to be prejudiced with a one-sided opposition and no reply. Plaintiff therefore respectfully requests confirmation from the Court as to whether this motion is still being briefed and if Defendants opposition is being considered and under which timeframe motion practice or which Judge. (Given the ruling in ECF77)

Given the scheduling in other cases, Plaintiff requests this schedule be set for no less than seven days after the last filing in related case 20-CV-3873 (ADMIS). Plaintiff again notifies the Court that it is a small company and Pro-Se and meeting back-to-back deadlines and is concerned these overlapping schedules are prejudicing its rights and ability to respond to concurrent motions. As a result of Ms. Chou's filing, Plaintiff's current schedule to respond by July 2, 2021. This is coincident with the NFA filing and is procedurally impossible to meet without prejudice.

Page 2

The original motion was filed under Rule 72(a) and also Rule 59 (b) and Local Rule 6.3. Plaintiff is unclear where the motion stands and why an opposition was filed post ruling – which suggests the motion is still being briefed and a reply to be filed.

If ECF79 is now moot, Plaintiff would appreciate a directive or order indicating, so it does not further incur time to reply on something not needed or being briefed by the Court.

I appreciate the Court's clarification on where this motion standards and reserve my rights to reply. Without limitation, Plaintiff denies and objects to all of Vision and Lazzara Defendants ongoing specious arguments which distract from the more serious arguments against them of fraud. Plaintiff respectfully reserves its rights to defend all those comments raised in opposition that require reply.

Thank you.

Respectfully submitted,

//SSK//

Samantha Siva Kumaran